

HONORABLE TIMOTHY W. DORE
Chapter 11
HEARING DATE: June 13, 2014
HEARING TIME: 9:30 A.M.
LOCATION: Seattle, Ctrm. 8106
RESPONSE DUE: June 6, 2014

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re)	No. 12-13263 TWD
)	(Jointly Administered)
SEATTLE GROUP, LTD, dba COMFORT)	
INNS & SUITES,)	BALLOT SUMMARY
)	
Debtors.)	
)	
)	
)	
)	
CONDOR DEVELOPMENT LLC,)	NO. 12-13287 TWD
)	
Debtor.)	
)	
)	
)	

Debtors and Debtors in Possession in the above-referenced case, Seattle Group Ltd, dba Comfort Inn and Suites and Condor Development LLC, (collectively, the “Debtors” or the “Plan Proponent”), by and through their attorneys Lane Powell LP and Mary Jo Heston, submit this Ballot Summary¹ pursuant to Local Bankruptcy Rules 3018.

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¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Plan (defined below). A separate pre-confirmation report will be filed shortly.

BALLOT SUMMARY - 1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
SEATTLE, WASHINGTON 98111-9402
206.223.7000 FAX: 206.223.7107

127041.0001/6039644.1

I.

BALLOT SUMMARY

Pursuant to Local Bankruptcy Rule 3018, the following is a summary of the ballots cast to accept or reject the Fourth Amended Joint Plan of Liquidation dated May 12, 2014 (the "Plan") filed by the Debtor. The holders of Class 1, 2, and 3 claims were not entitled to vote pursuant to section 1126(g) of the Bankruptcy Code. Of the four classes voting, Classes 4, 6 and 8 have voted to accept the Plan. EastWest Bank, the sole claimant in Classes 5 (secured) and 7(unsecured) has rejected the Plan. Below is a summary of the votes received by class.

A. Class 4 (Allowed Secured Claims of King County).

Class 4 has accepted the Plan.

Percentage number of acceptances: 100%

Percentage dollar amount of acceptances: 100%

B. Class 5 (Allowed Secured Claim of East West Bank).

Class 5 has rejected the Plan.

Percentage number of rejections: 100%

Percentage dollar amount of rejections: 100%

C. Class 6 (Allowed General Unsecured Claims Without Guaranties).

Class 6 has accepted the Plan.

Percentage number of acceptances: 100%

Percentage dollar amount of acceptances: 100%

D. Class 7 (Allowed General Unsecured Claims With Guaranties).

Class 7 has rejected the Plan.

Percentage number of rejections: 100%

Percentage dollar amount of rejections: 100%

E. Schedule of Ballots.

See below.

CLASS 1 (Allowed Administrative Claims). Not entitled to vote.

CLASS 2 (Priority Tax Claims). Not entitled to vote.

BALLOT SUMMARY - 2

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CLASS 3 (Allowed Priority Wage Claims): Not entitled to vote.

CLASS 4 (Allowed Secured Claims of King County)

Vote	Amount	Claimant	Notes
Accepted	\$554,427.00	King County Treasury Operations Attn: Linda Crane Nelson 500 4 th Avenue, Room 600 Seattle, WA 98104	Administrative Claim amount is \$22,543.95 Debtor scheduled: Schedule D (Amended 4/12/13) \$554,427.00

CLASS 5 (Allowed Secured Claim of East West Bank)

Vote	Amount	Claimant	Notes
Rejected	\$8,580,000.00	East West Bank c/o Maita Prout, Esq. 135 N. Los Robles Avenue, Suite 600 Pasadena, CA 91101	Proof of Claim indicates claim amount as \$9,060,996.74 Address listed on Proof of Claim: K&L Gates LLP, Attn: David C. Neu 925 Fourth Avenue, Suite 2900 Seattle, WA 98104-1158

CLASS 6 (Allowed General Unsecured Claims Without Guaranties)

Vote	Amount	Claimant	Notes
Accepted	(Option 1 - Agreed Reduction of claim to \$1,000)	Hubert Company, LLC Attn: Connie Rawe, AR Manager 9555 Dry Fork Rd. Harrison, OH 45030	Proof of Claim indicates claim amount as \$4,168.57 Debtor scheduled: \$4,606.26. Address listed on Proof of Claim: Hubert Company, LLC 9555 Dry Fork Rd. Harrison, OH 45030

CLASS 7 (Allowed General Unsecured Claims *With* Guaranties)

Vote	Amount	Claimant	Notes
Rejected	\$851,470.30 (Option 2 - Agreed Payment from Net Cash Flow and Sale)	East West Bank c/o Maita Prout, Esq. 135 N. Los Robles Avenue, Suite 600 Pasadena, CA 91101	Proof of Claim indicates claim amount as \$9,060,996.74 Debtor scheduled: Schedule D \$9,402,896.27 (Amended 4/12/13). Address listed on Proof of Claim: K&L Gates LLP, Attn: David C. Neu

BALLOT SUMMARY - 3

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			925 Fourth Avenue, Suite 2900 Seattle, WA 98104-1158
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CLASS 8 (Allowed Claims of Interest Holders)			
Vote	Amount	Claimant	Notes
Accepted		Condor Development LLC c/o Laura Johnson Ciaramella 11740 W. Sunset PH 41 Los Angeles, CA 90049	No Proof of Claim filed.
Accepted		Michael J. Seibert, Conservator of the Estate of Joseph R. Ciaramella, President Condor Management, Inc., General Partner of Seattle Group, Ltd. and Member, Condor Development, LLC 149 S. Burrington Ave #927 Los Angeles, CA 90049	No Proof of Claim filed.

F. Ballots.

Copies of the Ballots are attached hereto as **Exhibit A.**

DATED this 9th day of June, 2014.

LANE POWELL PC

By /s/ Mary Jo Heston

Mary Jo Heston, WSBA No. 11065
Attorneys for Debtors

BALLOT SUMMARY - 4

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That she is a paralegal in the law firm of Lane Powell PC, and on June 9, 2014, she caused the foregoing Ballot Summary to be filed electronically through the CM/ECF system which caused Registered Participants to be served by electronic means, as fully reflected on the Notice of Electronic Filing.

East West Bank
c/o Maita Prout, Esq.
135 N. Los Robles Avenue, Suite 600
Pasadena, CA 91101

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

/s/ Teresa M. Stephenson
Teresa M. Stephenson

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SEATTLE, WASHINGTON 98111-9402
206.223.7000 FAX: 206.223.7107

Case 12-13263-TWD Doc 243 Filed 06/09/14 Ent. 06/09/14 09:08:37 Pg. 5 of 11

EXHIBIT A

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ACCEPTANCE OR REJECTION OF THE PLAN

The undersigned is the holder of a claim in the following class (classification of claim and interests is set out in Article II of the enclosed Plan):

- ☐ Class 1 Allowed Administrative Claims [*not entitled to vote*]
- ☐ Class 2 Allowed Priority Tax Claim [*not entitled to vote*]
- ☐ Class 3 Allowed Priority Wage Claims [*not entitled to vote*]
- ☒ Class 4 Allowed Secured Claims of King County
- ☐ Class 5 Allowed Secured Claim of East West Bank
- ☐ Class 6 Allowed General Unsecured Claims without Guarantees
- ☐ Class 7 Allowed General Unsecured Claims with Guarantees
- ☐ Class 8 Allowed Interest Holders

in the amount of \$ _____; and hereby

☒ ACCEPTS THE PLAN

☐ REJECTS THE PLAN

If you are a Class 6 or 7 Claim you should select Option 1 or Option 2 below:

- ☐ Option 1 I agree to reduce my Claim to \$1,000 and receive payment of this amount on the Effective Date of the Plan
- ☐ Option 2 I agree to accept payment from the Net Cash Flow and from the sale as set forth in Article VI, Paragraphs C and D of the Plan

If you do not elect one of these options you will be deemed to have elected Option 1.

Print/Type

Name of Claimant:

King County Treasury Operations

Signed:

[Signature]

Print/Type Name

of Person Signing:

Linda Crane Nelson

Print/Type

Title:

Business Finance Office

Print/Type

Address:

500 4th Ave PMB 600, Seattle WA 98104

RETURN THIS BALLOT FOR RECEIPT ON OR BEFORE 4:00 p.m. on JUNE 6, 2014 TO:

Lane Powell PC
ATTN: Teresa Stephenson
1420 Fifth Avenue, Ste 4200
PO Box 91302
Seattle, WA 98111-9402
(206) 223-7107 (fax)

BALLOT FOR ACCEPTING OR REJECTING PLAN OF
REORGANIZATION - 3

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4100
SEATTLE, WASHINGTON 98101-2338
206.223.7000 FAX: 206.223.7107

127041.0001/5652761.1

RECEIVED

JUN 06 2014

LANE POWELL PC

ACCEPTANCE OR REJECTION OF THE PLAN

The undersigned is the holder of a claim in the following class (c) and interests is set out in Article II of the enclosed Plan):

- ☐ Class 1 Allowed Administrative Claims [not entitled to vote]
- ☐ Class 2 Allowed Priority Tax Claim [not entitled to vote]
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- ☐ Class 7 Allowed General Unsecured Claims with Guarantees
- ☒ Class 8 Allowed Interest Holders

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☐ REJECTS THE PLAN

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- ☐ Option 2 I agree to accept payment from the Net Cash Flow and from the sale as set forth in Article VI, Paragraphs C and D of the Plan

If you do not elect one of these options you will be deemed to have elected Option 1.

Print/Type
Name of Claimant:

Condor Dev. LLC

Signed:

Laura J. Ciaramella

Print/Type Name
of Person Signing:

Laura Johnson Ciaramella

Print/Type
Title:

member

Print/Type
Address:

11740 W. Sunset ~~PH 41~~ PH 41
Los Angeles, CA 90049

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Seattle, WA 98111-9402
(206) 223-7107 (fax)

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REORGANIZATION - 3

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SEATTLE, WASHINGTON 98101-2338
206.223.7000 FAX: 206.223.7107

127041.0001/5652761.1

1 **ACCEPTANCE OR REJECTION OF THE PLAN**

2 The undersigned is the holder of a claim in the following class (classification of claim
3 and interests is set out in Article II of the enclosed Plan):

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5 ☐ Class 2 Allowed Priority Tax Claim [not entitled to vote]
6 ☐ Class 3 Allowed Priority Wage Claims [not entitled to vote]
7 ☐ Class 4 Allowed Secured Claims of King County
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9 ☐ Class 6 Allowed General Unsecured Claims without Guarantees
10 ☐ Class 7 Allowed General Unsecured Claims with Guarantees
11 ☒ Class 8 Allowed Interest Holders

12 in the amount of \$ _____; and hereby

13 ☒ ACCEPTS THE PLAN

14 [] REJECTS THE PLAN

15 If you are a Class 6 or 7 Claim- you should select Option 1 or Option 2 below:

- 16 ☐ Option 1 I agree to reduce my Claim to \$1,000 and receive payment of this
17 amount on the Effective Date of the Plan
18 ☐ Option 2 I agree to accept payment from the Net Cash Flow and from the
19 sale as set forth in Article VI, Paragraphs C and D of the Plan

20 If you do not elect one of these options you will be deemed to have elected Option 1.

21 Print/Type

22 Name of Claimant:

23 Signed:

24 Print/Type Name
25 of Person Signing:

26 Print/Type
27 Title:

28 Print/Type
29 Address:

Michael J. Seibert, Conservator of the Estate of Joseph K.
Czarnulka, President, Condon Management, Inc., General Partner
of Seattle Group, Ltd and Member, Condon Development, LLC

Michael J. Seibert

Conservator of the Estate of Joseph K. Czarnulka,
President Condon Management, Inc., General Partner Seattle Group Ltd
and Member, Condon Development, LLC

149 S. Burlington Ave #927, LA CA 90049

30 **RETURN THIS BALLOT FOR RECEIPT ON OR BEFORE 4:00 p.m. on JUNE 6,**
31 **2014 TO:**

32 Lane Powell PC
33 ATTN: Teresa Stephenson
34 1420 Fifth Avenue, Ste 4200
35 PO Box 91302
36 Seattle, WA 98111-9402
37 (206) 223-7107 (fax)

38 **BALLOT FOR ACCEPTING OR REJECTING PLAN OF**
39 **REORGANIZATION - 3**

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